

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HERSCHEL ELIAS,
Plaintiff,

v.

**TOWNSHIP OF CHELTENHAM;
SERGEANT EDWARD BASKIN;
OFFICER MICHAEL CORBO; and
JOHN DOE POLICE OFFICER,**
Defendants.

CIVIL ACTION

NO. 14-6117

ORDER

AND NOW, this 28th day of January, 2015, upon consideration of Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Motion to Strike Pursuant to Fed. R. Civ. P. 12(f) [ECF No. 3], and for the reasons provided in the Court's memorandum opinion of January 27, 2015 [ECF No. 8], **IT IS ORDERED** that:

- (1) the Defendants' Motion to Dismiss is **GRANTED** as to Count III with respect to all defendants and all grounds: Count III of the Plaintiff's Complaint [ECF No. 1] is hereby **DISMISSED WITHOUT PREJUDICE** with respect to all defendants and all grounds;
- (2) the Defendants' Motion to Strike is **GRANTED IN PART**: the Plaintiff's demand for punitive damages against Defendant Township of Cheltenham and against the other Defendants in their official capacities is **STRICKEN**;
- (3) the remainder of the Defendants' Motion to Strike is **DENIED**; and

(4) the Plaintiff shall have until February 26, 2015, to file an amended complaint.

Failure to file an amended complaint by this date will result in dismissal of Count

III with prejudice.

BY THE COURT:

/s/ Wendy Beetlestone

WENDY BEETLESTONE, J.